

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES CARTER,
Petitioner

v.

J.T. SHARTLE,
Respondent.

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Civil Action No. 9-66 Erie
Magistrate Judge Baxter

REPORT AND RECOMMENDATION

AND NOW, this 6th day of July, 2011, after Petitioner has filed an appeal from the denial of his petition for a writ of habeas corpus, which he seeks leave to prosecute in forma pauperis, and it appearing that he has an average monthly balance of \$ 253.10 in his account at the Federal Correctional Institution at Elkton, Ohio, which sum far exceeds the filing fee required to commence his appeal, and it further appearing that requiring the Petitioner to pay the filing fee will not deprive him of any necessities of life at the prison,

It is recommended that leave to proceed in forma pauperis be denied.

Petitioner shall have fourteen (14) days from the date of service in which to file written objections to this Report and Recommendation. Failure to file timely objections may constitute a waiver of any appellate rights.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge

cc: James Carter # 20116-068
FCI Elkton
P.O. Box 10
Elkton, OH 44415